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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,473	12/31/2003	Kavin Du	121532	3931
26389	7590	10/19/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER SERRAO, RANODHI N	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,473

Applicant(s)

DU ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 30 is objected to because of the following informalities: This claim has two preambles. Appropriate correction is required.
2. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 12, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1, 12, and 30 recite the limitations "the location" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 9, 11-16, 19, 21-24, 27, 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinjo (2003/0063575).

8. As per claims 1, 12, and 22, Kinjo teaches a method, system, and component for communicating information regarding a selected item to a user present at the location of a first entity (§ 54), the method comprising: receiving an image from an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first entity (§ 59); extracting the identifying data from the image (§ 35); using the identifying data to obtain item information associated with the selected item from a second entity that is different than the first entity (§ 38); and communicating the item information from the second entity to the imaging device for delivery to the user (§ 125), while the user remains present at the location of the first entity (§ 75).

9. As per claims 2, 16, and 24, Kinjo teaches a method, further comprising outputting the item information on a visual display of the imaging device when the item information is communicated from the second entity to the imaging device (§ 125).

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10. As per claims 3, 15, and 23, Kinjo teaches a method, further comprising outputting the item information on an audio speaker of the imaging device when the item information is communicated from the second entity to the imaging device (¶ 58).
11. As per claim 4, Kinjo teaches a method, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data (¶ 14).
12. As per claim 5, Kinjo teaches a method, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data (¶ 14).
13. As per claim 6, Kinjo teaches a method, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data (¶ 126).
14. As per claims 9, 19, and 27, Kinjo teaches a method, wherein the item information comprises price information for the selected item associated with the identifying data (¶ 132).
15. As per claims 11, and 21, Kinjo teaches a method, wherein the first entity and the second entity are located remote from each other (¶ 76).
16. As per claim 13, Kinjo teaches a system, wherein the resource is a Web service storing information related to the selected item (¶ 124).
17. As per claim 14, Kinjo teaches a system, wherein the resource is a database storing information related to the selected item (¶ 82).
18. As per claim 29, Kinjo teaches a computer-readable medium, wherein extracting identifying data associated with the selected item from the image includes processing

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the image with an optical character recognition program to produce the identifying data (¶ 124).

19. As per claim 30, Kinjo teaches an integrated portable apparatus for obtaining item information for a selected item at the location of a first entity, the apparatus comprising: an input device for capturing an image that contains identifying data associated with the selected item as provided by the first entity (¶ 144); an output device for outputting item information for the selected item as obtained from a second entity that is different than the first entity (¶ 124); a storage medium for storing said identifying data and program instructions for processing the image (¶ 67); and a processing unit communicatively coupled to the input device, the output device and the storage medium for executing the program instructions that process the image by: obtaining the item information for the selected item by communicating the image containing the identifying data to the second entity (¶ 38); and outputting on the output device the item information obtained from the second entity (¶ 124), wherein the output device communicates the item information to a user while the user remains at the location of the first entity (¶ 75).

20. As per claim 31, Kinjo teaches an apparatus, wherein the processing unit further executes program instructions that process the image by extracting the identifying data from the image (¶ 35).

21. As per claim 32, Kinjo teaches an apparatus, wherein the identifying data is barcode data (¶ 34) and the processing unit extracts the barcode data by executing a barcode recognition program that operates on the image (¶ 124).

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22. As per claim 33, Kinjo teaches an apparatus, wherein the identifying data is text data and the processing unit extracts the text data by executing an optical character recognition program that operates on the image (§ 124).

23. As per claim 34, Kinjo teaches an apparatus, wherein the processing unit communicates the image to a server operated by the second entity at a location remote from the first entity, wherein the server extracts the identifying data from the image (§ 132).

24. As per claim 35, Kinjo teaches an apparatus, wherein the item information for the selected item is obtained by retrieving item information from a database maintained by the second entity, wherein the item information corresponds to the identifying data for the selected item (§ 0111).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 7, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as applied to claims 1, 12, and 22 above, and further in view of Lo et al. (2002/0007331). Kinjo teaches the mentioned limitations of claims 1, 12, and 22 above but fails to teach a method, wherein the method further comprises: compiling historical data based on the extracted identifying data; and generating a forecast report based on

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the compiled historical data. However, Lo et al. teaches a method, wherein the method further comprises: compiling historical data based on the extracted identifying data (see Lo et al., ¶ 29); and generating a forecast report based on the compiled historical data (see Lo et al., abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo to a method, wherein the method further comprises: compiling historical data based on the extracted identifying data; and generating a forecast report based on the compiled historical data in order to provide an investment advisory system that applies technical analysis in an objectively analytical framework to develop projections on future pricing events of select securities (see Lo et al., ¶ 9).

27. Claims 8, 18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as applied to claims 1, 12, and 22 above, and further in view of Clendinning et al. (2002/0107861). Kinjo teaches the mentioned limitations of claims 1, 12, and 22 above but fails to teach a method, wherein the item information comprises rating information for the selected item associated with the identifying data. However, Clendinning et al. teaches a method, wherein the item information comprises rating information for the selected item associated with the identifying data (see Clendinning et al., ¶ 42). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo to a method, wherein the item information comprises rating information for the selected item associated with the identifying data in order to provide a system and method for collecting and displaying information about a product or other data object at a website server (see Clendinning et al., ¶ 19).

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28. Claims 10, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as applied to claims 1, 12, and 22 above, and further in view of Meyerson et al. (5,818,028). Kinjo teaches the mentioned limitations of claims 1, 12, and 22 above but fails to teach a method, wherein the identifying data comprises a universal product code. However, Meyerson et al. teaches a method, wherein the identifying data comprises a universal product code (see Meyerson et al., col. 1, lines 47-61). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo to a method, wherein the identifying data comprises a universal product code in order to provide inventory control, tracking, production control and expediting, quality assurance and other purposes (see Meyerson et al., col. 1, lines 28-45).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are disclosed in the Notice of References Cited and teach numerous other ways of implementing a system and method for obtaining information relating to an item of commerce using a portable imaging device , thus a close review of them is suggested.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SENIOR PATENT EXAMINER